

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO, et al.,
Plaintiffs,

v.

GREGORY W. ABBOTT, et al.,
Defendants.

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Case No. 5:21-cv-844-XR

**STATE DEFENDANTS’ UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO FILE BRIEF IN
RESPONSE TO OCA-GH PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT**

Defendants Gregory W. Abbott, in his official capacity as Governor of Texas, Jane Nelson, in her official capacity as Secretary of State, John Scott, in his official capacity as Provisional Attorney General of Texas, and the State of Texas (“State Defendants”), respectfully move the Court for an enlargement of time to file *nunc pro tunc* their Brief in Response to Plaintiffs OCA-Greater Houston’s Motion for Summary Judgment, which was filed after the deadline. *See* ECF 646.

For the reasons set forth below, the State Defendants respectfully request that the Court accept their Brief in Response to OCA-Greater Houston’s Motion for Summary Judgment.

1. State Defendants’ deadline to file their Brief in Response to OCA-Greater Houston’s Motion for Summary Judgment (“Brief”) was June 23, 2023, pursuant to the parties’ June 2, 2023, Unopposed Joint Motion to Set Deadlines for Responsive Pleadings to Motions for Summary Judgment (ECF 622), which was granted by the Court on the same day by text-only entry.
2. State Defendants worked diligently to file their Brief prior to the June 23, 2023, midnight deadline, but were forced to file shortly afterwards due to the time constraints of

responding to two substantial summary judgment motions and preparing voluminous exhibits. State Defendants apologize to the Court.

3. Plaintiffs' OCA-Greater Houston are unopposed to this Motion.
4. The circumstances surrounding State Defendants' delay in filing support granting the extension, including State Defendants' "good faith and the absence of any danger of prejudice to [other parties] or of disruption to efficient judicial administration posed by the late filings." *Pioneer Inv. Services Co. v. Brunswick Associates Ltd. P'ship*, 507 U.S. 380, 397 (1993).
5. Plaintiffs OCA-Greater Houston are not prejudiced by the delayed filing of State Defendants' Brief. Further, State Defendants' delay in filing did not disrupt the Court's schedule.
6. Given the short delay in filing, and lack of prejudice to the other parties in this matter, State Defendants respectfully request that the Court grant an extension of time for the filing *nunc pro tunc* of State Defendants' Brief. *See ECF 646.*

CONCLUSION

For the reasons explained above, State Defendants respectfully request the Court grant their motion for enlargement of time to file *nunc pro tunc*. *See ECF 646.*

Date: June 25, 2023

Respectfully submitted.

JOHN SCOTT
Provisional Attorney General

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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on June 25, 2023, and that all counsel of record were served by CM/ECF.

/s/ RYAN G. KERCHER
RYAN G. KERCHER

CERTIFICATE OF CONFERENCE

I certify that on June 24, 2023, my office conferred by email with counsel for OCA-Greater Houston concerning the subject of the instant motion. Counsel for OCA-Greater Houston indicated that they are unopposed to the motion.

/s/ RYAN G. KERCHER
RYAN G. KERCHER